

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
NEW ENGLAND CARPENTERS HEALTH)	
BENEFITS FUND, et al.,)	
Plaintiffs,)	
v.)	CIVIL ACTION NO. 11148-PBS
)	
FIRST DATABANK, INC., a Missouri)	
corporation, and MCKESSON CORP.,)	
a Delaware corporation,)	
Defendants.)	
_____)	

ORDER

December 1, 2005

Saris, U.S.D.J.

Defendant McKesson Corporation's motion to dismiss is **DENIED** on the ground that the complaint makes sufficient allegations regarding common fraudulent purpose and knowledge to state a claim under RICO, see 18 U.S.C. §1962(c) (Count One). After re-reading In re Pharm. Indus. Average Wholesale Price Litig., 307 F. Supp.2d 196 (D. Mass. 2004), I am persuaded that the allegations supporting the existence of an enterprise between McKesson and First Databank, Inc. are substantially more detailed than, and different from, the allegations which I had previously held were insufficient. I defer ruling on the controlling state law until the class certification stage.

S/PATTI B. SARIS

United States District Judge